

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Timothy A. Devine

Docket No. 5:16-CR-12-2D

Petition for Action on Supervised Release

COMES NOW Scott Plaster, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Timothy A. Devine, who, upon an earlier plea of guilty to Misprision of a Felony, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on February 6, 2017, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 12 months.

Timothy A. Devine was released from custody on November 21, 2018, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On January 2, 2019, the defendant was arrested and charged with the offenses of Driving While Impaired and Driving While License Revoked in Wake County, North Carolina. The defendant stated he and his girlfriend were returning home from a bar, and he had to drive because his girlfriend's glasses broke which caused her not to be able to see clearly. According to the arresting officer, the defendant was driving the car, and there were two other females and one other male in the car with the defendant and his girlfriend. The defendant admitted he drove without a license and that he had consumed alcohol prior to driving. Since his release, the defendant has been referred for substance abuse treatment as a result of a previous conviction for Driving While Impaired, and he was also placed in the Surprise Urinalysis Program at the onset of supervision. At this time, it is recommended the defendant's conditions of supervision be modified to include participation in a cognitive behavioral program as directed by the probation office. This will allow the defendant to work on his decision-making skills and assist the defendant with setting and achieving realistic goals. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Michael C. Brittain

Michael C. Brittain

Supervising U.S. Probation Officer

/s/ Scott Plaster

Scott Plaster

U.S. Probation Officer

310 New Bern Avenue, Room 610

Raleigh, NC 27601-1441

Phone: 919-861-8808

Executed On: January 04, 2019

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ORDER OF THE COURT

Considered and ordered this 8 day of January, 2019, and ordered filed and made a part of the records in the above case.

James C. Dever III
James C. Dever III
U.S. District Judge